



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMH
F. #2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

August 25, 2020

By ECF

The Honorable Joseph F. Bianco
United States Circuit Judge
United States Court of Appeals for the Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Phillip A. Kenner & Tommy C. Constantine
Criminal Docket No. 13-607 (JFB)

Dear Judge Bianco:

The government respectfully submits for the Court's attention a letter recently received from victim John Kaiser, on behalf of several other victims, in connection with sentencing.

Respectfully submitted,

SETH D. DuCHARME
Acting United States Attorney

By: /s/
Saritha Komatireddy
J. Matthew Haggans
Assistant U.S. Attorneys
(718) 254-7000

Enclosure (1)

cc: Clerk of Court (JFB) (By ECF)
All counsel of record (By ECF)
Phillip A. Kenner (pro se) (By First-Class Mail)
U.S. Probation Officer Shayna Bryant (By Email)

August 10, 2020

The Honorable Joseph F. Bianco
United States Circuit Judge United States
Court of Appeals for the Second Circuit
100 Federal Plaza Central Islip, New York 11722

Re: US v. Kenner & Constantine
Criminal Docket No. 13-607 (JFB) (E.D.N.Y.)

Dear Judge Bianco:

We are some of the victims of the crimes committed by Phil Kenner and Tommy Constantine with respect to the captioned matter.

While we appreciate the rights of the defendants, we are writing pursuant to 18 U.S.C. § 3771 and our rights as crime victims. As you know, as crime victims we have the right, *inter alia*, to full and timely restitution and proceedings free from unreasonable delay.

Obviously this national emergency caused by the Pandemic has greatly hindered the ability for Courts to operate anywhere near normal and no one wants to carelessly cause anyone, including to but not limited to the defendants, to be exposed to the Covid-19 virus.

Notwithstanding the foregoing, this matter has been dragging on for years and the continued harm it has caused each of us is substantial. Not a day goes without each of us being reminded how these defendants' actions resulted in so much pain. To make matters worse, there appears no end in sight and consequently, no ability for us to try and close this chapter in our lives.

We intend on being present in Court if your Honor holds the sentencing in open Court and many of us will be forced to quarantine and isolate for 14 days after traveling etc. We are sympathetic to the defendants and their concerns regarding Covid-19, but note that we are willing to travel in the same circumstances.

Judge, we are requesting that you schedule a sentencing date for both defendants on the same day so that we all may appear in person to explain to the Court the damage these two defendants have caused as well as to see you impose a just sentence.

Thank you for your consideration in this matter.

Sincerely,

John Kaiser
Dolores Kaiser
Michael Peca
Kristin Peca
Robert Rizzi

Nick Privitello
TR Hughes
Jonathan Smith
Bryan Berard